

## **APPENDIX A**

### **COORDINATION/CORRESPONDENCE**



### **Mailing List for Lake Texoma Water Reallocation EA**

Mr. Jerry Brabander  
Field Supervisor  
U.S. Fish & Wildlife Service  
222 South Houston, Suite A  
Tulsa, OK 74127

Mr. Richard E. Greene  
Federal Region VI Administrator  
Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

Mr. Darrel Dominick  
State Conservationist  
USDA Agri-Center Bldg  
100 USDA, Suite 206  
Stillwater, OK 74074-2655

Mr. Greg D. Duffy  
Director  
Oklahoma Dept. of Wildlife Conservation  
P.O. Box 53465  
Oklahoma City, OK 73105

Mr. Duane A. Smith  
Executive Director  
Oklahoma Water Resources Board  
P.O. Box 150  
Oklahoma City, OK 73101-0150

Mr. Mark S. Coleman  
Executive Director  
Oklahoma Department of  
Environmental Quality  
1000 Northeast 10<sup>th</sup> Street  
Oklahoma City, OK 73117-1212

Dr. Bob Blackburn  
State Historic Preservation Officer  
Oklahoma Historical Society  
2704 Villa Prom, Shepherd Mall  
Oklahoma City, OK 73107

Dr. Robert Brooks  
State Archeologist  
Oklahoma Archeological Survey  
111 East Chesapeake  
Norman, OK 73019

Mr. Robert Cook  
Executive Director  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

Mr. Kevin Ward  
Executive Administrator  
Texas Water Development Board  
P.O. Box 13231  
Austin, TX 78711-3231

Mr. Curtis W. Campbell  
General Manager  
Red River Authority of Texas  
Hamilton Building  
900 8th Street, Suite 520  
Wichita Falls, TX 76301-6894

Mr. Glenn Shankle  
Executive Director  
Texas Commission on  
Environmental Quality  
MC 109  
P.O. Box 13087  
Austin, TX 78711

Mr. F. Lawrence Oaks  
State Historic Preservation Officer  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276

Mr. Michael A. Deihl  
Administrator  
Southwestern Power Administration  
One West Third Street  
Tulsa, OK 74102

Ms. Ramona Clark  
Executive Director  
Lake Texoma Association  
P.O. Box 610  
Kingston, OK 73439

Mr. Gary McAdams  
Wichita and Affiliated Tribes of Oklahoma  
P.O. Box 729  
Anadarko, OK 73005

Mr. Gregory Pyle, Chief  
Choctaw Nation of Oklahoma  
P.O. Drawer 1210  
Durant, OK 74720

Mr. Bill Anoatubby, Governor  
Chickasaw Nation of Oklahoma  
P.O. Box 1548  
Ada, OK 74821

Ms. Stacy Halfmoon  
Caddo Indian Tribe of Oklahoma  
P.O. Box 487  
Binger, OK 73009

Mr. John Berrey, Chairman  
Quapaw Tribe of Oklahoma  
P.O. Box 765  
Quapaw, OK 74363

Mr. John H. Butts, Manager  
Tex-La Electric Cooperative of Texas, Inc.  
P.O. Box 631623  
Nacogdoches, TX 75963-1623

Mr. Ted Coombs, Executive Director  
Southwestern Power Resources Association  
P.O. Box 471827  
Tulsa, OK 74147

Michael N. McCarty  
Brian C. Drumm  
Brickfield, Burchette, Ritts & Stone, PC  
1025 Thomas Jefferson Street, N.W.  
Eighth Floor, West Tower  
Washington, D.C. 20007

James M. Parks, Executive Director  
North Texas Municipal Water District  
P.O. Box 2408  
Wylie, TX 75098-2408

Mr. John Kirkland, President  
Rayburn Country Electric Cooperative, Inc.  
980 Sid's Rd  
Rockwall, TX 75087



**US Army Corps  
of Engineers**

**Tulsa District**

**DRAFT  
NEWS RELEASE**

For Immediate Release

To: News Directors, Assignment Editors, and Editors

Synopsis: The U.S. Army Corps of Engineers will host a public workshop to discuss the Lake Texoma Reallocation Study.

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Release No. 03-xx  
September 2003

**Workshops to present the Lake Texoma Reallocation Study**

TULSA, Okla. -- The Tulsa District, U.S. Army Corps of Engineers will host public information workshops on Tuesday, September 16, and Wednesday, September 17<sup>th</sup> 2003, to provide information to the public and solicit comments and questions about the Lake Texoma Reallocation Study.

The Corps of Engineers study will evaluate the water supply storage alternatives to address the increased demand in the area. The goal is to determine the best method to provide the necessary storage. The purpose of the study is to address the need in the area for additional water supply storage, formulate a variety of alternatives, and select a recommended plan of action or non-action.

On September 16, the workshop will be held at Denison Public Library, 300 W. Gandy, Denison, Texas, and on September 17 the workshop will be held at the Durant Chamber of Commerce, 215 N. 4<sup>th</sup> Street, Durant, Oklahoma. Each workshop will be held from 5:00 p.m. to 8:00 p.m. and will be an open house format with no set or formal presentations. Everyone is invited to attend, visit information tables and discuss the project with representatives from the Corps' Tulsa District.

The workshop and comment solicitation are part of the environmental documentation (scoping), conducted in compliance with the National Environmental Policy Act. Scoping is the process of identifying potential environmental impacts of proposed Federal actions by soliciting comments and questions from the public and government agencies.

For more information on this study, contact Mr. David Combs in the Tulsa office, 918-669-7660.

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Paid Advertisement

*~Announcing~*

**PUBLIC INVOLVEMENT WORKSHOP  
as related to the  
Lake Texoma Reallocation Study  
in compliance with  
The National Environmental Policy Act**

**Open House**

The U.S. Army Corps of Engineers will host two public workshops to provide the public information about the Lake Texoma Reallocation Study and to solicit comments and questions on the project. The workshop will be open house format, with no set or formal presentation. Interested persons may arrive anytime between 5:00 - 8:00 p.m., visit the information tables, discuss the study with Corps personnel, and make comments. The workshops will be held at the following locations:

**Denison Open House  
Denison Public Library  
300 W. Gandy  
Denison, Texas  
Tuesday, September 16, 2003  
5:00 - 8:00 p.m.**

**Durant Open House  
Durant Chamber of Commerce  
215 N. 4<sup>th</sup> Street  
Durant, Oklahoma  
Wednesday, September 17, 2002  
5:00 - 8:00 p.m.**

**Scoping Process**

The workshop is part of an effort by the Corps to inform the public about the reallocation study in progress. The purpose of the study is to address the need in the area for additional water supply storage, formulate a variety of alternatives, and select a recommended plan of action or non-action. This public workshop is in compliance with the National Environmental Policy Act. As part of the scoping process, the Corps of Engineers requests that the public, interested parties, Federal, State and local agencies take part in the planning process by identifying issues related to the study and provide input in the development of alternatives to address the water supply storage issues. The Corps will include this input as it develops reallocation alternatives for Lake Texoma. Comments and questions can be forwarded to:

**Mr. David Combs  
U.S. Army Corps of Engineers, Tulsa District  
ATTN: CESWT-PE-E  
1645 S. 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4609  
Phone: 918-669-7660  
E-mail: David.L.Combs@usace.army.mil**



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Darrel Dominick  
State Conservationist  
USDA Agri-Center Bldg  
100 USDA, Suite 206  
Stillwater, OK 74074-2655

Dear Mr. Dominick:

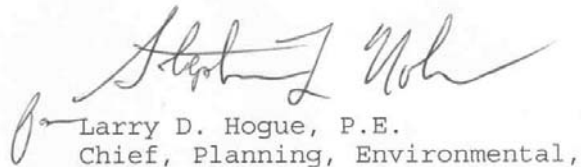
This is to inform you that the Tulsa District has begun studying the reallocation of water storage at Lake Texoma, Oklahoma and Texas. We are beginning the process of preparing an Environmental Assessment addressing the effect of reallocation to provide additional water supply storage. The study is being conducted under authority of the Water Resources Development Act of 1986 (Public Law 99-662). The Water Resources Development Act authorized the Secretary of the Army to reallocate 300,000 acre-feet of water at Lake Texoma for municipal, industrial, and agricultural water users in both Oklahoma and Texas.

Under the Proposed Action, pool elevations at Lake Texoma would not be changed. In accordance with the Water Resources Development Act of 1986, 300,000 acre-feet of water currently in hydropower storage would be reallocated to water supply storage. The reallocation would provide up to 150,000 additional acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma and up to 150,000 additional acre-feet for municipal, industrial, and agricultural water users in the State of Texas.

We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this Proposed Action.

If you have any questions or require additional information, please contact Mr. Jerry Sturdy at 918-669-4397.

Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Richard E. Greene  
Federal Region VI Administrator  
Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

Dear Mr. Greene:

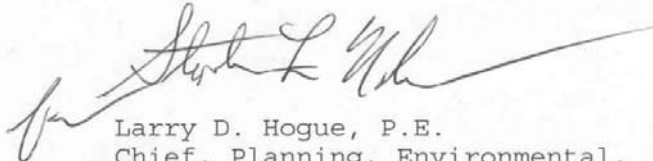
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1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Mark S. Coleman  
Executive Director  
Oklahoma Department of Environmental Quality  
1000 Northeast 10<sup>th</sup> Street  
Oklahoma City, OK 73117-1212

Dear Mr. Coleman:

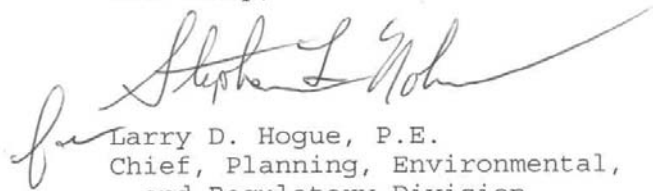
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1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Greg D. Duffy  
Director  
Oklahoma Department. of Wildlife Conservation  
P.O. Box 53465  
Oklahoma City, OK 73105

Dear Mr. Duffy:

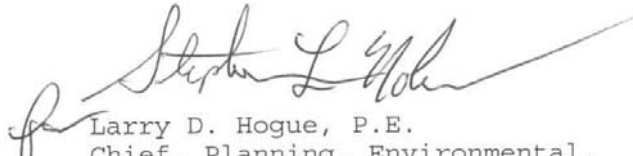
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1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Duane A. Smith  
Executive Director  
Oklahoma Water Resources Board  
P.O. Box 150  
Oklahoma City, OK 73101-0150

Dear Mr. Smith:

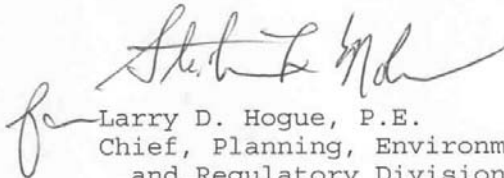
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Sincerely,

  
for Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



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1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Curtis W. Campbell  
General Manager  
Red River Authority of Texas  
Hamilton Building  
900 8th Street, Suite 520  
Wichita Falls, TX 76301-6894

Dear Mr. Campbell:

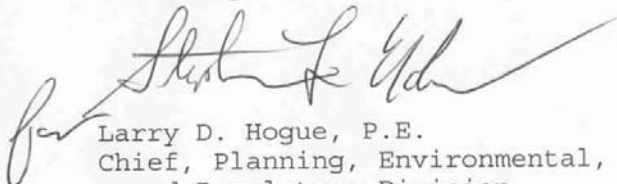
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Chief, Planning, Environmental,  
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1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Michael A. Deihl  
Administrator  
Southwestern Power Administration  
One West Third Street  
Tulsa, OK 74102

Dear Mr. Deihl:

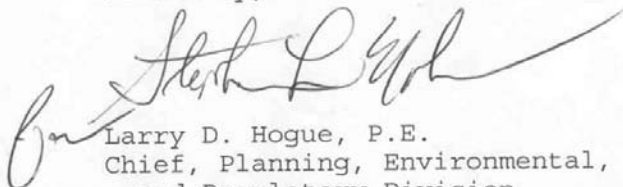
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Chief, Planning, Environmental,  
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TULSA, OKLAHOMA 74128-4609

April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Ms. Margaret Hoffman  
Executive Director  
Texas Commission on Environmental Quality  
MC 109  
P.O. Box 13087  
Austin, TX 78711

Dear Ms. Hoffman:

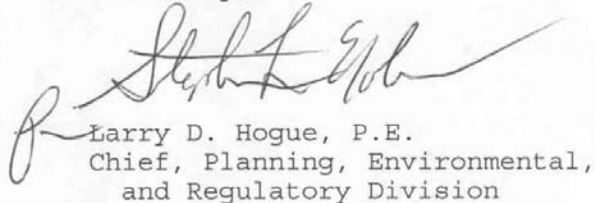
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April 26, 2004

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Mr. Robert Cook  
Executive Director  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

Dear Mr. Cook:

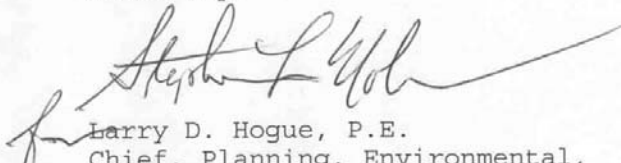
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April 26, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Kevin Ward  
Executive Administrator  
Texas Water Development Board  
P.O. Box 13231  
Austin, TX 78711-3231

Dear Mr. Ward:

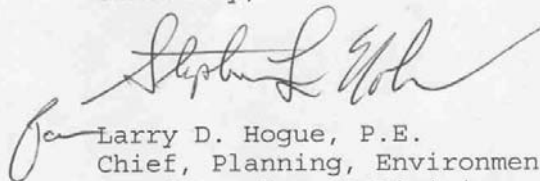
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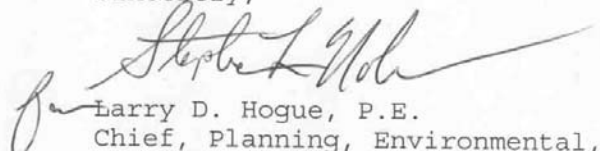
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Your comments are requested in accordance with the Fish and Wildlife Coordination Act and the Endangered Species Act. If you have any questions or require additional information, please contact Mr. Jerry Sturdy at 918-669-4397.

Sincerely,

  
Harry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

In Reply Refer To:  
FWS/R2/OKES/texomareallocationletter

Ecological Services  
222 S. Houston, Suite A  
Tulsa, Oklahoma 74127

October 5, 2004

Colonel Miroslav P. Kurka, District Engineer  
Attn: Planning, Environmental, and Regulatory Division  
U.S. Army Corps of Engineers  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, Oklahoma 74128-4609

Dear Colonel Kurka:

The U.S. Fish and Wildlife Service (Service) has reviewed a U.S. Army Corps of Engineers' (Corps) proposal to study the reallocation of water storage at Lake Texoma to increase the water supply storage, primarily for municipal use. The proposed study was included in your biological assessment dated November 20, 2003, and was considered part of the Corps' proposed action in the draft biological opinion for your actions on the Arkansas, Canadian, and Red Rivers. The list of species protected by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*) provided for that formal consultation is still accurate and compliance with Section 7 of the ESA has been addressed in the draft biological opinion.

Assuming water demands for municipal use stay near current levels and Lake Texoma water levels will not be affected; we do not anticipate any federally-listed species to be adversely affected by the proposed reallocation of water storage. However, if demand for municipal water from Lake Texoma increases, we see potential for impacts to recreational use and fish and wildlife resources in the area near the reservoir and the Red River downstream. Municipal use usually has a very high priority relative to other uses and high demands during periods of low inflows could result in lower water levels and compromises for other uses. Management of national wildlife refuges, state wildlife management areas, and mitigation provided in compliance with the Fish and Wildlife Coordination Act and National Environmental Policy Act could be affected. If municipal water use is expected to increase, we recommend that the Corps address these potential impacts before approving any reallocations that may affect reservoir water levels. Consultation should be initiated with us and the state natural resource agencies to avoid any impacts to fish and wildlife resources.

Thank you for providing the opportunity to comment on the proposed study. Please coordinate any comments or information with Mr. Kevin Stubbs at 918-581-7458 ext 236.

Sincerely,

Jerry Brabander  
Field Supervisor

cc: ARD-ES, Attn: Dean Watkins, U.S. Fish and Wildlife Service, Albuquerque, NM  
Director, ODWC, Attn: Natural Resources Division, Oklahoma City, OK  
Director, Texas Parks & Wildlife Dept., Austin, TX



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May 3, 2004

Larry D. Hogue, P.E.  
Chief, Planning Environmental and Regulatory Division  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, Oklahoma 74128-4609

Re: Reallocation of water storage at Lake Texoma

Dear Mr. Hogue:

Thank you for your information on the progress of the study to reallocate water storage in Lake Texoma.

As demand for water in the state of Texas increases, it is important that we look for ways to increase supply while minimizing the impact to the environment. The Texas Water Development Board (TWDB) has a keen interest in this project as it may have implications across the state. Flood reallocation from reservoirs may be the most cost-effective and least environmentally disruptive way of meeting water demand in Texas. We look forward to the completion of the study and to the discussion of the findings.

The TWDB Hydrographic Survey crew surveyed this lake for the Corps of Engineers during the summer of 2002 and a final report was submitted in April 2003. If you have any questions regarding this work, or if the TWDB can be of any assistance, please do not hesitate to contact me, or the Director of the Surface Water Resources Division Director, Dr. Barney Austin (Tel: 512-463-8856).

Sincerely,

J. Kevin Ward  
Executive Administrator

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May 25, 2004

Mr. Larry Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division  
Environmental Analysis and Compliance Branch  
Department of the Army  
Corps of Engineers, Tulsa District  
Tulsa, OK 74128-4609

Re: Proposed reallocation – Lake Texoma

Dear Mr. Hogue:

Thank you for the opportunity to comment on the proposed reallocation of the storage at Lake Texoma.

As you know, the State of Oklahoma is a party to the Red River Compact. Accordingly, the State of Oklahoma has a significant interest in ensuring compliance with the apportionment provisions of the Red River Compact. Article IV of the Compact, specifically Section 4.04, apportions the water of the mainstem of the Red River and Lake Texoma between the State of Oklahoma and the State of Texas. Basically, the Compact apportions the storage of Lake Texoma and flow of the mainstem of the Red River into Lake Texoma on a 50/50 basis between Oklahoma and Texas. Any reallocation of storage at Lake Texoma must be consistent with the apportionment provisions of the Compact.

Unfortunately, the Compact Commission has not finalized rules to implement the apportionment provisions of the Compact. Until such rules are adopted by the Commission, it will not be possible to determine whether a proposed reallocation of storage is consistent with the Compact's apportionment provisions. The Oklahoma Commissioners and Texas Commissioners of the Red River Compact Commission are aware of the need for rules, and we hope to consider proposed rules at the Commission's annual meeting scheduled during April, 2005. Staff of the Corps' Tulsa District are routinely invited to the Commission's annual meetings, and therefore, will be notified of the Commission's determination regarding the apportionment rules.

A related issue that should be addressed in the reallocation study is the costs of the water supply storage. It is our understanding that the original water supply storage allocation for Lake Texoma was 150,000 acre-feet. Therefore, under the terms of the 50/50 apportionment provision, the Compact apportions 75,000 acre-feet of the original water supply storage



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allocation to Oklahoma and the other 75,000 acre-feet to Texas. Based on plain readings of the Water Supply Act of 1986 and the Red River Compact, we believe that Oklahoma users remain entitled to enter into contracts for up to a total of 75,000 acre-feet of water supply storage under terms and conditions available prior to the Water Supply Act of 1986. An explanation is in order.

Section 838 of the Water Resources Development Act of 1986 provides authority for the Corps to reallocate 300,000 acre-feet of storage in Lake Texoma from hydropower to water supply, with 150,000 acre-feet for Oklahoma users and 150,000 acre-feet for Texas users (this is consistent with the 50/50 apportionment provision of the Compact). Paragraph (d)(1) of Section 838 then indicates that all contracts for the reallocated storage shall be under the new water supply contract terms set forth in Section 932, which terms are substantially less favorable than terms in contracts entered pursuant to the Water Supply Act of 1958. However, paragraph (e) of Section 838 controls the situation by providing that nothing in Section 838 of the Water Resources Development Act of 1986 shall be construed as amending or altering in any way the Red River Compact. As noted above, the Red River Compact split the storage at Lake Texoma and flow from the mainstem of the Red River on a 50/50 basis, as follows: "Oklahoma 200,000 acre-feet and Texas to 200,000 acre-feet, which quantities shall include existing allocations and uses" (emphasis added). The emphasized language in the Compact makes it clear that the 50/50 apportionment provision of the Compact applies to the original 150,000 acre-feet allocation for water supply storage. Therefore, Oklahoma users are entitled to contract for up to 75,000 acre-feet of the original allocation amount without triggering less favorable repayment terms that will apply to contracts for the reallocated storage.

The Environmental Assessment should address both the apportionment rules to be adopted by the Compact Commission and the costs of the storage.

Please keep us informed of the progress of the Environmental Assessment work. Thank you again for the opportunity to provide input.

Sincerely,



Duane A. Smith  
Executive Director

cc: Secretary Miles Tolbert  
Charles Dobbs, Oklahoma Commissioner  
Mark Nichols  
Gordon W. Fassett, Federal Commissioner  
William A. Abney, Texas Commissioner  
Randy Young, Arkansas Commissioner

